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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE DISTRICT OF ARIZONA  
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8 CHRISTOPHER J. CHARLES, an) No. CV08-2345-PHX-JAT  
unmarried man, )

9 Plaintiff, )

10 vs. )

11 )  
12 GOLDMAN SACHS MORTGAGE )  
COMPANY; JOHN DOES and JANE )  
13 DOES I-X; BLACK CORPORATIONS I- )  
X; WHITE PARTNERSHIPS I-X; RED )  
14 LIMITED LIABILITY ENTITIES I-X, )

15 Defendants. )  
16 )  
17

18 Pending before this Court is Defendant Goldman Sachs Mortgage Company's Motion  
19 to Dismiss (Doc. # 10) and Plaintiff Christopher J. Charles' Notice of Voluntary Dismissal  
20 (Doc. # 11).

21 Defendant having not filed an answer or a motion for summary judgment, pursuant  
22 to Rule 41(a)(1)(A)(I), *see Concha v. London*, 62 F.3d 1493,1506 (9th Cir. 1995),


23 **IT IS ORDERED** dismissing this case without prejudice pursuant to Plaintiff's  
24 Notice of Voluntary Dismissal.

25 **IT IS FURTHER ORDERED** denying Defendant's Motion to Dismiss (Doc. # 10)  
26 as moot.

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DATED this 7<sup>th</sup> day of April, 2009.

  
James A. Teilborg  
United States District Judge